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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED PUBLIC WORKERS,	)	CIVIL NO. 03-00598 DAE/LEK
AFSCME LOCAL 646, AFL-CIO,)	
MUTUAL AID FUND TRUST,	)	DEFENDANT'S MOTION FOR
	)	LEAVE TO WITHDRAW
Plaintiff,	)	DEFENDANT'S MOTION FOR
	)	SUMMARY JUDGMENT
vs.	)	WITHOUT PREJUDICE , AND
	)	FOR LEAVE TO REFILE AFTER
GARY W. RODRIGUES,	)	COMPLETION OF DISCOVERY;
	)	MEMORANDUM IN SUPPORT;
Defendant.	)	CERTIFICATE OF SERVICE
)	
	)	Hearing:
	)	Date: <u>July 23, 2007</u>
	)	Time: <u>9:45 a.m.</u>
	)	Judge: <u>Hon. David A. Ezra</u>
)	
	)	(Trial: August 28, 2007)

DEFENDANT'S MOTION FOR LEAVE TO WITHDRAW
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
WITHOUT PREJUDICE , AND FOR LEAVE TO REFILE

MOTION AFTER COMPLETION OF DISCOVERY

Defendant GARY W. RODRIGUES (hereinafter “Defendant”), by and through his undersigned attorneys, hereby moves the Court for an order granting Defendant leave to withdraw his motion for summary judgment filed March 28, 2007, without prejudice, and for leave to refile a dispositive motion after completion of discovery.

This motion is brought pursuant to Rules 7(b), 16(b), and 56(f), Federal Rules of Civil Procedure, and Rules 6.2, and 7.1, Local Rules of Practice for the U.S. District Court of Hawaii, inter alia, and is based upon the attached memorandum in support and attachments hereto, the records and files herein, and the arguments of counsel at the hearing on this motion.

Defendant is concurrently filing a motion with the magistrate judge to continue the trial of this case and to modify the current Rule 16 Scheduling Order to permit Defendant to take oral depositions of former and current trustees of the United Public Workers, AFSME, Local 646, Mutual Aid Fund Trust, including the

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newly named Plaintiff, and to file further motions based on evidence obtained in such discovery.

DATED: Honolulu, Hawai'i, July 6, 2007.

/s/ Eric A. Seitz
ERIC A. SEITZ
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Attorneys for Defendant
Gary W. Rodrigues